

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10019

United States of America

v.

Daniel McElroy

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-3, 5-13, 15-128, 131-138, 140, 142, 143, 146-156, 158

Sealed Documents (62-6)-(62-9) 67

and contained in I-III Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/21/2008.

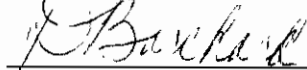
In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 25, 2008.

Sarah A Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8/25/08.



Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, INTERP, VICTIM

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10019-RGS All Defendants**

Case title: USA v. McElroy et al

Date Filed: 01/26/2005

Assigned to: Judge Richard G. Stearns

Defendant (1)**Daniel W. McElroy***TERMINATED: 07/24/2008*represented by **Andrew R. McConville**

Rindler Morgan PC

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Fax: 617-873-0526

Email:

amcconville@rindlermorgan.com

*TERMINATED: 03/01/2006**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained***Stephen R. Delinsky**

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Pending Counts

18:371 CONSPIRACY TO DEFRAUD
THE UNITED STATES
(1)

18:1341 Mail Fraud
(2-4)

26:7206(2) Procuring False Tax Returns
(5-12)

26:7206(2) Procuring False Tax Returns
(13-18)

Disposition

60 months to be served. Supervised
Release for 3 years. Restitution in the
amount of \$12,114,467, subject to
modification when final numbers are
submitted to the Court. TOTAL Special
Assessment in the amount of \$1800.

60 months to be served on each count,
concurrent with each other and
concurrent with Count 1. Supervised
Release for 3 years on each count,
concurrent with each other and
concurrent with Count 1.

30 months to be served on each count,
concurrent with each other, but to be
served ON AND AFTER sentence
imposed on Counts 1-4. Supervised
Release for 3 years on each count
concurrent with each other and
concurrent with Counts 1-4.

18 months to be served on each count,
concurrent with each other, but to be
served ON AND AFTER the sentence
imposed on Counts 5-12. Supervised
Release for 3 years on each count,
concurrent with each other and
concurrent with Counts 1-4 and 5-12.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Disposition

Assigned to: Judge Richard G. Stearns

Defendant (2)

Aimee J. King McElroy

represented by **Jack I. Zalkind**
Law office of Jack I. Zalkind
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Boston, MA 02110
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LEAD ATTORNEY
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Designation: Retained

Pending Counts

18:371 CONSPIRACY TO DEFRAUD
THE UNITED STATES

(1)

18:1341 Mail Fraud

(2-4)

26:7206(2) Procuring False Tax Returns
(5-12)

26:7206(2) Procuring False Tax Returns
(13-18)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Richard G. Stearns

Defendant (3)

Xieu Van Son

represented by **Mark D Smith**
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TERMINATED: 02/15/2005
Designation: Retained

Pending Counts

18:371 CONSPIRACY TO DEFRAUD
THE UNITED STATES

(1)

26:7203 WILLFUL FAILURE TO FILE
RETURN/INFORMATION, ETC.

(19)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Disposition

Disposition

Plaintiff

USA

represented by **Jonathan F. Mitchell**
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TERMINATED: 01/16/2008
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/26/2005	<u>1</u>	INDICTMENT as to Daniel W. McElroy (1) count(s) 1, 2-4, 5-12, 13-18, Aimee J. King McElroy (2) count(s) 1, 2-4, 5-12, 13-18, Xieu Van Son (3) count(s) 1, 19 (Gawlik, Cathy) (Entered: 01/28/2005)
01/26/2005	<u>2</u>	Judge Richard G. Stearns : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: pretrial proceedings as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Gawlik, Cathy) (Entered: 01/28/2005)
01/28/2005		Electronic NOTICE OF HEARING as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son Arraignment set for 2/8/2005 @ 12:30 PM in Courtroom 14 before Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 01/28/2005)
02/01/2005	<u>3</u>	MOTION to Continue <i>Arraignment Until Feburary 15, 2005</i> as to Daniel W. McElroy, Aimee J. King McElroy by Daniel W. McElroy. (Delinsky, Stephen) (Entered: 02/01/2005)
02/02/2005		Magistrate Judge Robert B. Collings : Electronic ORDER entered granting <u>3</u> Motion to Continue as to Daniel W. McElroy (1), Aimee J. King McElroy (2), and Xieu Van Son. Arraignment set for February 15, 2005 @ 2:00 PM. Def'ts must report to Pretrial Services by 10:30 AM on 2/15/2005. (Russo, Noreen) (Entered: 02/02/2005)
02/09/2005		Notice of correction to docket made by Court staff. Correction: Docket Entry 4 Terminated due to return of summons docketing incorrect as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Russo, Noreen) (Entered: 02/09/2005)
02/15/2005		Electronic Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings : Interp. Present and sworn. Arraignment as to Daniel W. McElroy (1) Count 1,2-4,5-12,13-18 and Aimee J. King McElroy (2) Count 1,2-4,5-12,13-18 and Xieu Van Son (3) Count 1,19 held on 2/15/2005, Initial Appearance as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on 2/15/2005, Plea entered by Daniel W. McElroy (1) Count 1,2-4,5-12,13-18 and Aimee J. King McElroy (2) Count 1,2-4,5-12,13-18 and Xieu Van Son (3) Count 1&19. by Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son Not Guilty on counts 1& 19. AUSA Levenson, Berman for Gov't, S. Delinsky for Daniel McElroy, J. Zalkind for Aimee J. King McElroy, M. Smith for Mr. Van Son. Pretrial Services. Maximum Penalties, Rights and Charges. Court finds that Mr. Van Son is unable to afford his own attorney and appoints Mr. Smith. Initial Status Conf. set for April 6, 2005 @ 10:30 AM. Gov't agrees with Pretrial services officer with exception as to travel and condition re firearm. Def't McElroy states Def't has no firearm. Van San continued to 4:30. Conditions of release set for McElroys. Conditions set for Mr. Van Son after break. (Tape #Digital Recording.) (Russo, Noreen) (Entered: 02/16/2005)
02/15/2005	<u>5</u>	Magistrate Judge Robert B. Collings : ORDER entered.

		MEMORANDUM AND ORDER as to Daniel W. McElroy. Initial Status Conference set for Wednesday, April 6, 2005 @ 10:30 AM. (Russo, Noreen) (Entered: 02/16/2005)
02/15/2005	(6)	Magistrate Judge Robert B. Collings : ORDER entered.MEMORANDUM AND ORDER as to Aimee J. King McElroy. Initial Status Conference set for Wednesday, April 6, 2005 @ 10:30 AM. (Russo, Noreen) (Entered: 02/16/2005)
02/15/2005	(7)	Magistrate Judge Robert B. Collings : ORDER entered. MEMORANDUM AND ORDER as to Xieu Van Son. Initial Status Conference set for Wednesday, April 6, 2005 @ 10:30 A.M. (Russo, Noreen). (Entered: 02/16/2005)
02/15/2005	(8)	Unsecured Appearance Bond Entered as to Daniel W. McElroy in amount of \$ 10,000.00 (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(9)	Unsecured Appearance Bond Entered as to Aimee J. King McElroy in amount of \$ 10,000.00. (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(10)	Unsecured Appearance Bond Entered as to Xieu Van Son in amount of \$ 10,000.00. (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(11)	Magistrate Judge Robert B. Collings : ORDER entered. ORDER Setting Conditions of Release as to Daniel W. McElroy (1). 10,000.00 Bond Unsecured. (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(12)	Magistrate Judge Robert B. Collings : ORDER entered. ORDER Setting Conditions of Release as to Aimee J. King McElroy (2). 10,000.00 Bond Unsecured. (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(13)	Magistrate Judge Robert B. Collings : ORDER entered. ORDER Setting Conditions of Release as to Xieu Van Son (3). 10,000.00 Bond Unsecured. (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(15)	Magistrate Judge Robert B. Collings : ORDER entered. CJA 20 as to Xieu Van Son: Appointment of Attorney Mark D Smith for Xieu Van Son. (Russo, Noreen) (Entered: 02/17/2005)
02/15/2005	(18)	NOTICE OF ATTORNEY APPEARANCE: Mark D Smith appearing for Xieu Van Son (Flaherty, Elaine) (Entered: 03/01/2005)
02/24/2005	(16)	NOTICE re automatic disclosure as to Daniel W. McElroy <i>Notice of Non-Waiver of Request For Disclosure</i> (Delinsky, Stephen) (Entered: 02/24/2005)
02/24/2005	(17)	NOTICE re automatic disclosure as to Aimee J. King McElroy <i>Notice of Non-Waiver of Request for Disclosure</i> (Zalkind, Jack) (Entered: 02/24/2005)
03/01/2005	(19)	NOTICE OF ATTORNEY APPEARANCE: Stephen R. Delinsky appearing for Daniel W. McElroy (Flaherty, Elaine) (Entered: 03/01/2005)
03/01/2005	(20)	NOTICE OF ATTORNEY APPEARANCE: Jack I. Zalkind appearing

		for Aimee J. King McElroy (Flaherty, Elaine) (Entered: 03/01/2005)
04/06/2005		Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Initial Status Conference as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on 4/6/2005. P. Levenson, S. Berman for Gov't, Def't counsel. Def'ts not in courtroom. Time Requirements of 116.3, Mr. McElroy needs relief. Requests until July 12, 2005 to review discovery. Court extends time to 7/12/05 for writing letters under 116.3, for all def'ts. No experts for Gov't, Def'ts may, court sets deadline of 45 days before trial for Gov't, 21, for Def't for experts. No discovery owed by Gov't. Def'ts are planning non discovery motions, to suppress and dismiss. Court sets deadline for filing and serving such motions June 30, 2005. Court to exclude between now and July 12, 2005 so def'ts can go through documents. Trial is anticipated (Mr. Van son unknown). Expected 5 weeks. Court sets case for Interim Status Conf. July 14, 2005 @ 2:45 PM. (Digital Recording.) (Russo, Noreen) (Entered: 04/06/2005)
04/06/2005	(21)	Judge Robert B. Collings : ORDER entered. REPORT AFTER INITIAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5 (A) as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Russo, Noreen) (Entered: 04/07/2005)
04/06/2005	(22)	Judge Robert B. Collings : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son Time excluded from 1/26/2005 until 1/26/2005. Time excluded from 2/15/2005 until 2/15/2005. Time excluded from 2/16/2005 until 3/15/2005. Time excluded from 4/6/2005 until 4/6/2005. Time excluded from 4/6/2005 until 7/12/2005. Thus, as of July 12, 2005, TWENTY-ONE (21) non-excludable days will have occurred leaving FORTY-NINE (49) days left to commence trial so as to be within the seventy-day period for trial set by statute. (Russo, Noreen) (Entered: 04/07/2005)
06/29/2005	(23)	Assented to MOTION for Extension of Time to File <i>Dispositive Motions</i> as to Xieu Van Son. (Smith, Mark) (Entered: 06/29/2005)
06/30/2005	(24)	MOTION to Dismiss <i>Count One of the Indictment For Alleging Multiple Conspiracies</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(25)	MEMORANDUM in Support by Daniel W. McElroy as to Daniel W. McElroy, Aimee J. King McElroy re <u>24</u> MOTION to Dismiss <i>Count One of the Indictment For Alleging Multiple Conspiracies</i> (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(26)	MOTION to Dismiss <i>Counts Two Through Four Because The Alleged Mailings Were Not in Furtherance of a Scheme to Defraud</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(27)	MEMORANDUM in Support by Daniel W. McElroy as to Daniel W. McElroy, Aimee J. King McElroy re <u>26</u> MOTION to Dismiss <i>Counts Two Through Four Because The Alleged Mailings Were Not in</i>

		<i>Furtherance of a Scheme to Defraud</i> (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(28)	MOTION to Sever <i>Misjoined Offenses</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(29)	MOTION to Suppress <i>Evidence Seized Pursuant to a Search Warrant Dated June 25, 2001</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(30)	MEMORANDUM in Support by Daniel W. McElroy as to Daniel W. McElroy, Aimee J. King McElroy re 29 MOTION to Suppress <i>Evidence Seized Pursuant to a Search Warrant Dated June 25, 2001</i> (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(31)	MOTION for Hearing <i>Franks Hearing to Determine if There Were Intentional and/or Reckless Factual Material Omissions in the Affidavit Supporting the Search Warrant</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(32)	MEMORANDUM in Support by Daniel W. McElroy as to Daniel W. McElroy, Aimee J. King McElroy re 31 MOTION for Hearing <i>Franks Hearing to Determine if There Were Intentional and/or Reckless Factual Material Omissions in the Affidavit Supporting the Search Warrant</i> (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(33)	NOTICE OF ATTORNEY APPEARANCE: Andrew R. McConville appearing for Daniel W. McElroy (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(34)	MOTION for Joinder of <i>Co-Defendants' Substantive Motions</i> as to Xieu Van Son. (Smith, Mark) (Entered: 06/30/2005)
06/30/2005	(35)	MOTION for Extension of Time to Forty-Five Days After Government Complies With All Requests to File Additional Dispositive Motions as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 06/30/2005)
06/30/2005	(36)	MEMORANDUM in Support by Daniel W. McElroy as to Daniel W. McElroy, Aimee J. King McElroy re 28 MOTION to Sever <i>Misjoined Offenses</i> (McConville, Andrew) (Entered: 06/30/2005)
07/01/2005		Judge Robert B. Collings: Electronic ORDER entered reserving ruling on 35 Motion for Extension of Time as to Aimee J. King McElroy (2); reserving ruling on 23 Motion for Extension of Time as to Xieu Van Son (3). These matters will be taken up at the Interim Status Conference. (Entered: 07/01/2005)
07/06/2005	(37)	MOTION to Continue to July 19, 2005 to Interim Status Conference as to Daniel W. McElroy. (McConville, Andrew) (Entered: 07/06/2005)

07/11/2005		Judge Robert B. Collings : Electronic ORDER entered granting <u>37</u> Motion to Continue as to Daniel W. McElroy (1). "ALLOWED to 7/19/2005 @ 4:15 P.M." (Russo, Noreen) (Entered: 07/11/2005)
07/12/2005	<u>38</u>	MOTION for Hearing <i>Request for Oral Argument on Defendants' Daniel W. McElroy and Aimee J. McElroy Dispositive Motions</i> as to Daniel W. McElroy, Aimee J. King McElroy by Daniel W. McElroy. (McConville, Andrew) (Entered: 07/12/2005)
07/12/2005	<u>39</u>	Assented to MOTION for Extension of Time to July 22, 2005 to File Response/Reply <i>To Defendants' Pending Substantive Motions</i> as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by USA. (Levenson, Paul) (Entered: 07/12/2005)
07/12/2005	<u>40</u>	Letter (non-motion) regarding discovery as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Flaherty, Elaine) (Entered: 07/14/2005)
07/14/2005		Judge Robert B. Collings : Electronic ORDER entered granting <u>39</u> Motion for Extension of Time to File Response/Reply as to Defendants' Motions. "ALLOWED." (Russo, Noreen) (Entered: 07/14/2005)
07/19/2005		Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings :Interim Status Conference as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on 7/19/2005. P. Levenson for Gov't, Atts Delinsky, Zalkind, Smith for Defts. Gov't indicates that five dispositive motions have been filed and Gov't will file oppositions by Friday July 22, 2005. There are two discovery issues outstanding. There is one more non-dispositive motion outstanding Motion for Extention of Time <u>35</u> . Court allows discovery motions until the 29th of August for Defts. Court denies <u>35</u> without prejudice. Final Status set for Tuesday, September 20, 2005 @ 11:30 A.M. (Digital Recording.) (Russo, Noreen) (Entered: 07/19/2005)
07/19/2005		Judge Robert B. Collings: Electronic ORDER entered denying <u>35</u> Motion for Extension of Time as to Aimee J. King McElroy (2)without prejudice to filing a motion for leave to file specific motion or motions together with the motion themselves and a supporting pleading explaining why the motion or motions could not have been filed within the time limits set by the Court. (Entered: 07/19/2005)
07/19/2005		Judge Robert B. Collings: Electronic ORDER entered denying <u>35</u> Motion for Extension of Time as to Daniel W. McElroy (1) without prejudice to filing a motion for leave to file specific additional dispositive motions together with the proposed dispositive motions and a pleading explaining why the motions could not have been filed within the time set by the Court. (Entered: 07/19/2005)
07/19/2005		Judge Robert B. Collings: Electronic ORDER entered granting <u>39</u> Motion for Extension of Time to File Response/Reply as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Entered: 07/19/2005)
07/19/2005		Judge Robert B. Collings: Electronic ORDER entered granting <u>23</u>

		Motion for Extension of Time as to Xieu Van Son (3). (Entered: 07/19/2005)
07/19/2005	(41)	Judge Robert B. Collings : ORDER entered. ORDER FOR FINAL STATUS CONFERENCE (L.R. 116.5(c)) as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son. (Russo, Noreen) (Entered: 07/20/2005)
07/22/2005	(42)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy re <u>26</u> MOTION to Dismiss <i>Counts Two Through Four Because The Alleged Mailings Were Not in Furtherance of a Scheme to Defraud</i> (Attachments: # <u>1</u> # <u>2</u> # <u>3</u>)(Levenson, Paul) (Entered: 07/22/2005)
07/22/2005	(43)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy re <u>28</u> MOTION to Sever <i>Misjoined Offenses</i> (Levenson, Paul) (Entered: 07/22/2005)
07/22/2005	(44)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy re <u>31</u> MOTION for Hearing <i>Franks Hearing to Determine if There Were Intentional and/or Reckless Factual Material Omissions in the Affidavit Supporting the Search Warrant</i> (Levenson, Paul) (Entered: 07/22/2005)
07/22/2005	(45)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy re <u>29</u> MOTION to Suppress <i>Evidence Seized Pursuant to a Search Warrant Dated June 25, 2001</i> (Levenson, Paul) (Entered: 07/22/2005)
07/22/2005	(46)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy re <u>24</u> MOTION to Dismiss <i>Count One of the Indictment For Alleging Multiple Conspiracies</i> (Levenson, Paul) (Entered: 07/22/2005)
08/05/2005	(47)	NOTICE OF HEARING ON MOTION as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son Motion Hearing set for 9/9/2005 10:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 08/05/2005)
08/05/2005		Judge Richard G. Stearns : Electronic ORDER entered granting <u>38</u> Motion for Hearing as to Daniel W. McElroy (1), Aimee J. King McElroy (2); granting <u>34</u> Motion for Joinder as to Xieu Van Son (3). (Johnson, Mary) (Entered: 08/05/2005)
08/10/2005	(48)	Assented to MOTION to Continue <i>Hearing Date</i> as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby USA. (Levenson, Paul) (Entered: 08/10/2005)
08/11/2005		Judge Richard G. Stearns : Electronic ORDER entered granting <u>48</u> Motion to Continue as to Daniel W. McElroy (1), Aimee J. King McElroy (2), Xieu Van Son (3). "hearing is continued to October 17, 2005 at 2:30 P.M. before Stearns, DJ." (Johnson, Mary) (Entered: 08/11/2005)
08/29/2005	(49)	MOTION to Compel <i>Disclosure of Documents and Information Regarding the Access of Insurance Fraud Bureau Personnel to Grand Jury Material</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 08/29/2005)

08/29/2005	(50)	MEMORANDUM in Support by Aimee J. King McElroy as to Daniel W. McElroy, Aimee J. King McElroy re <u>49</u> MOTION to Compel <i>Disclosure of Documents and Information Regarding the Access of Insurance Fraud Bureau Personnel to Grand Jury Material</i> (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6)(McConville, Andrew) (Entered: 08/29/2005)
08/29/2005	(51)	MOTION for Order <i>Authorizing the Issuance of Subpoenas Duces Tecum Pursuant to Fed. R. Civ. P. 17(c) to Dich Trieu and Charles Wallace for Pretrial Production of Copies of Delinquent Personal Federal Tax Returns</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 08/29/2005)
08/29/2005	(52)	MEMORANDUM in Support by Daniel W. McElroy as to Daniel W. McElroy, Aimee J. King McElroy re <u>51</u> MOTION for Order <i>Authorizing the Issuance of Subpoenas Duces Tecum Pursuant to Fed. R. Civ. P. 17(c) to Dich Trieu and Charles Wallace for Pretrial Production of Copies of Delinquent Personal Federal Tax Returns</i> (Attachments: # <u>1</u> Exhibit 1)(McConville, Andrew) (Entered: 08/29/2005)
08/29/2005	(53)	MOTION for Hearing <i>Request for Oral Argument on Motions</i> as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (McConville, Andrew) (Entered: 08/29/2005)
09/02/2005	(54)	Assented to MOTION for Extension of Time to File Response To Defendants' Motions as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby USA. (Levenson, Paul) (Entered: 09/02/2005)
09/09/2005		Judge Richard G. Stearns : Electronic ORDER entered granting <u>54</u> Motion for Extension of Time as to Daniel W. McElroy (1), Aimee J. King McElroy (2), Xieu Van Son (3). (Johnson, Mary) (Entered: 09/09/2005)
09/19/2005	(55)	Memorandum regarding Final Status Conference Filed Jointly as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Levenson, Paul) (Entered: 09/19/2005)
09/20/2005		ElectronicClerk's Notes for proceedings held before Judge Robert B. Collings :Final Status Conference as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on 9/20/2005. P. Levenson for Gov't, Atts. DeLinsky, Zalkind, and Smith for Def'ts. Gov't requests to October 7, 2005 to respond to outstanding motions, def'ts do not object. Court indicates alibi issue for District Court Judge. Court sets down October 11, 2005 @ 11:30 AM for hearing on Motions <u>49</u> and <u>51</u> . (Digital Recording) (Russo, Noreen) (Entered: 09/20/2005)
10/07/2005	(56)	RESPONSE to Motion by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>51</u> MOTION for Order <i>Authorizing the Issuance of Subpoenas Duces Tecum</i> (Levenson, Paul) (Entered: 10/07/2005)
10/07/2005	(57)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy,

		Xieu Van Son re <u>49</u> MOTION to Compel <i>Disclosure of Documents and Information Regarding the Access of Insurance Fraud Bureau Personnel to Grand Jury Material</i> (Levenson, Paul) (Entered: 10/07/2005)
10/11/2005		ElectronicClerk's Notes for proceedings held before Judge Robert B. Collings: Motion Hearing as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on 10/11/2005 re <u>51</u> MOTION for Order, <u>49</u> MOTION to Compel Disclosure of Documents and Information Regarding the Access of Insurance Fraud Bureau Personnel to Grand Jury Material. P. Levenson for Gov't, M. Smith, S. Delenski (for Mr. Zalkind) As to Motion for Order <u>51</u> , Gov't and Def'ts have come to agreement on production of materials. Court to issue order consistent with that agreement. Court to take Motion <u>49</u> under advisement. (Digital Recording) (Russo, Noreen) (Entered: 10/11/2005)
10/11/2005	(58)	Judge Robert B. Collings : ORDER entered. ORDER ON MOTION #51 AND PROTECTIVE ORDER granting <u>51</u> Motion for Order as to Aimee J. King McElroy (2). (Russo, Noreen) (Entered: 10/12/2005)
10/12/2005		Motions terminated as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son: <u>51</u> MOTION for Order Authorizing the Issuance of Subpoenas Duces Tecum Pursuant to Fed. R. Civ. P. 17(c) to Dich Trieu and Charles Wallace for Pretrial Production of Copies of Delinquent Personal Federal Tax Returns filed by Daniel W. McElroy. See Docket Number <u>58</u> . (Russo, Noreen) (Entered: 10/14/2005)
10/14/2005	(59)	Judge Robert B. Collings : ORDER entered. MEMORANDUM AND ORDER ON MOTION OF DEFENDANTS, DANIEL W. McELROY AND AIMEE J. KING McELROY, TO COMPEL DISCLOSURE OF DOCUMENTS AND INFORMATION REGARDING ACCESS OF INSURANCE FRAUD BUREAU PERSONNEL TO GRAND JURY MATERIAL (#49) denying <u>49</u> Motion to Compel as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Russo, Noreen) (Entered: 10/14/2005)
10/14/2005	(60)	Judge Robert B. Collings : ORDER entered. ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C) as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son. (Russo, Noreen) (Entered: 10/14/2005)
10/14/2005		Case as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 10/14/2005)
10/17/2005	(61)	NOTICE OF ATTORNEY APPEARANCE Jack W. Pirozzolo appearing for USA. (Pirozzolo, Jack) (Entered: 10/17/2005)
10/17/2005		ElectronicClerk's Notes for proceedings held before Judge Richard G. Stearns : Motion Hearing as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on 10/17/2005 re <u>24</u> MOTION to Dismiss <i>Count One of the Indictment For Alleging Multiple Conspiracies</i> filed by Daniel W. McElroy,, <u>29</u> MOTION to Suppress <i>Evidence Seized</i>

		<i>Pursuant to a Search Warrant Dated June 25, 2001 filed by Daniel W. McElroy,, 26 MOTION to Dismiss Counts Two Through Four Because The Alleged Mailings Were Not in Furtherance of a Scheme to Defraud filed by Daniel W. McElroy,, 31 MOTION for Hearing Franks Hearing to Determine if There Were Intentional and/or Reckless Factual Material Omissions in the Affidavit Supporting the Search Warrant filed by Daniel W. McElroy,, 28 MOTION to Sever Misjoined Offenses filed by Daniel W. McElroy. AUSA's Levenson and Pirozzolo present for the Govt. Attys. Delinsky, Zalkind, Smith and McConville present for the defts. The matters will be taken under advisement. (Court Reporter Cheryl Dahlstrom.) (Johnson, Mary) (Entered: 10/18/2005)</i>
10/26/2005	(62)	Objection as to Daniel W. McElroy, Aimee J. King McElroy: 59 Order on Motion to Compel,. (Attachments: # Exhibit A# 2 Exhibit A-1 through A-6# Exhibit B# Exhibit C)(McConville, Andrew) (Entered: 10/26/2005)
10/27/2005		Notice of correction to docket made by Court staff. Correction: #62 corrected because: version electronically filed has missing page as to Daniel W. McElroy, Aimee J. King McElroy (Flaherty, Elaine) (Entered: 10/27/2005)
10/31/2005	(63)	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re 49 MOTION to Compel <i>Disclosure of Materials Regarding Access of Insurance Fraud Bureau Personnel to Grand Jury Material and their objections regarding Magistrate Judge's Order Denying Said Motion</i> (Levenson, Paul) (Entered: 10/31/2005)
12/05/2005		The Clerk's Office has contacted Attorney Andrew McConville's office after e-mails in another matter were returned undeliverable. The law firm informed us that he is no longer with that firm. The ECF database has been updated to remove his e-mail address to prevent the return of additional undeliverable notices. Eckert Seamans is asked to contact the attorney to remind him to withdraw his appearance if appropriate, and to update his contact information in our database. (Hurley, Virginia) (Entered: 12/05/2005)
01/13/2006	(64)	NOTICE of Withdrawal of Appearance as to Daniel W. McElroy (McConville, Andrew) (Entered: 01/13/2006)
01/31/2006	(65)	MOTION to Travel as to Daniel W. McElroy, Aimee J. King McElroy by Daniel W. McElroy. (Delinsky, Stephen) (Entered: 01/31/2006)
02/01/2006		Judge Richard G. Stearns : Electronic ORDER entered granting 65 Motion to Travel as to Daniel W. McElroy (1), Aimee J. King McElroy (2): "this Court having been advised by AUSA Levenson and Pre-Trial Services Officer Basil Cronin that there is no objection, the within motion is ALLOWED." By Order of the Court, Mary Johnson, Deputy Clerk. (Johnson, Mary) Modified on 2/1/2006 (Johnson, Mary). (Entered: 02/01/2006)
02/23/2006	(66)	Judge Richard G. Stearns : ORDER entered. MEMORANDUM OPINION/ORDER as to Daniel W. McElroy, Aimee J. King McElroy,

		Xieu Van Son re: Defendants' Objections to Magistrate Judge's Order Denying Defts' Motion to Compel Disclosure of Materials Regarding Access of Insurance Fraud Bureau Personnel to Grand Jury material. "The objection to the Magistrate Judge's Order denying the Motion to Compel is OVERRULED." SO ORDERED. R. G. STEARNS, UDSJ. (Johnson, Mary) Modified on 2/24/2006 (Johnson, Mary). (Entered: 02/24/2006)
03/01/2006		Attorney update in case as to Daniel W. McElroy. Attorney Andrew R. McConville terminated. (Flaherty, Elaine) (Entered: 03/01/2006)
04/05/2006	(67)	PLEA AGREEMENT as to Xieu Van Son (Attachments: # 1)(Levenson, Paul) (Entered: 04/05/2006)
06/15/2006		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns : Change of Plea Hearing as to Xieu Van Son , whose true name is Henry Vinson, held on 6/15/2006. Defendant present with his attorney, Mark Smith. AUSA Levenson and AUSA Pirozzolo present for the Govt. Cambodian interpreter Bory Kem present and sworn. After hearing, deft. pleads guilty to Count 19 of the Indictment with a plea agreement. (Count 1 to be dismissed after sentencing). Sentencing is scheduled for October 24, 2006 at 2:30 P.M. Defendant remains free on bail as set by the Magistrate Judge. (Court Reporter James Gibbons.) (Johnson, Mary) Modified on 6/19/2006 (Johnson, Mary). Modified on 6/19/2006 (Johnson, Mary). (Entered: 06/19/2006)
06/15/2006		ElectronicClerk's Notes for proceedings held before Judge Richard G. Stearns :Plea entered by Xieu Van Son (3) Guilty Count 19. (Court Reporter James Gibbons.) (Johnson, Mary) (Entered: 06/19/2006)
06/19/2006	(68)	Judge Richard G. Stearns : ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Xieu Van Son. Sentencing set for 10/24/2006 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 06/19/2006)
07/17/2006	(69)	MOTION for Authorization of Services or Funds as to Xieu Van Son. (Smith, Mark) (Entered: 07/17/2006)
07/20/2006		Judge Richard G. Stearns : Electronic ORDER entered granting 69 Motion for Authorization of Services or Funds as to Xieu Van Son (3). (Johnson, Mary) (Entered: 07/21/2006)
07/28/2006		Judge Richard G. Stearns : Electronic ORDER entered finding as moot 53 Motion for Hearing as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 07/28/2006)
10/03/2006	(70)	Joint MOTION to Continue as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby Xieu Van Son. (Levenson, Paul) (Entered: 10/03/2006)
10/03/2006	(71)	Joint MOTION To Enlarge Time for Disposition as to Xieu Van Sonby USA. (Levenson, Paul) (Entered: 10/03/2006)
10/04/2006		Judge Richard G. Stearns : Electronic ORDER entered granting 70

		Motion to Continue as to Xieu Van Son (3); granting <u>71</u> Motion as to Xieu Van Son (3). "Allowed, until further Order of the Court." (Johnson, Mary) (Entered: 10/04/2006)
10/04/2006		Judge Richard G. Stearns : Electronic ORDER entered granting <u>70</u> Motion to Continue as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 10/20/2006)
10/19/2006	<u>72</u>	Judge Richard G. Stearns : ORDER entered. MEMORANDUM and Order on Defendants' Motion to Dismiss Count One and Motion to Sever Counts, ENTERED as to Daniel W. McElroy, Aimee J. King McElroy "...DENIED...DENIED." (Flaherty, Elaine) (Entered: 10/19/2006)
10/19/2006	<u>73</u>	Judge Richard G. Stearns : MEMORANDUM AND ORDER ON DEFENDANTS' MOTION TO DISMISS COUNTS TWO THROUGH FOUR OF THE INDICTMENT, entered. "DENIED." Flaherty, Elaine) (Entered: 10/19/2006)
10/19/2006		Judge Richard G. Stearns : Electronic ORDER entered denying <u>24</u> Motion to Dismiss as to Daniel W. McElroy (1), Aimee J. King McElroy (2); denying <u>26</u> Motion to Dismiss as to Daniel W. McElroy (1), Aimee J. King McElroy (2); denying <u>28</u> Motion to Sever as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 10/20/2006)
11/09/2006	<u>74</u>	NOTICE <i>WAIVING THEIR SPEEDY TRIAL RIGHTS</i> by Daniel W. McElroy, Aimee J. King McElroy (Delinsky, Stephen) (Entered: 11/09/2006)
01/24/2007		Electronic Clerk's Notes for proceedings held before Judge Richard G. Stearns :Status Conference as to Daniel W. McElroy, Aimee J. King McElroy held on 1/24/2007. AUSA Levenson and AUSA Pirozzolo present for the Govt. Atty. Delinsky present for both defts., and present for Atty. Zalkind. After colloquy with the Court, trial is scheduled for October 1, 2007. Court will make its rulings on remaining 2 motions within a short time. Counsel will file an Order of Excludable Time for the Court's signature. Adjourn 4:20 P.M. (Court Reporter Carol Scott.) (Johnson, Mary) Modified on 1/25/2007 (Johnson, Mary). (Entered: 01/25/2007)
02/01/2007	<u>75</u>	Judge Richard G. Stearns : ORDER entered. PRETRIAL ORDER as to Daniel W. McElroy, Aimee J. King McElroy. Time excluded from 1/24/2007 until 10/1/2007. Jury Selection set for 10/1/2007 at 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 10/1/2007 at 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Final Pretrial Conference set for Wednesday, 9/26/2007 at 03:45 PM in Courtroom 21 before Judge Richard G. Stearns. Voir Dire set for 10/1/2007 09:00 AM in Courtroom 21 before Judge Richard G. Stearns.All Trial Documents to be filed by 9-21-07. (Johnson, Mary) (Entered: 02/01/2007)
02/05/2007	<u>76</u>	Judge Richard G. Stearns : Memorandum and Order on Defendant's Motion to Supress and Motion for a Franks Hearing, entered denying <u>29</u>

		Motion to Suppress as to Daniel W. McElroy (1), Aimee J. King McElroy (2); denying <u>31</u> Motion for Hearing as to Daniel W. McElroy (1), Aimee J. King McElroy (2) (Flaherty, Elaine) (Entered: 02/06/2007)
03/12/2007	<u>77</u>	Joint MOTION to Continue <i>Trial and Final Pretrial Conference</i> to Oct. 29, 2007 (trial) October 24, 2007 (Final Pretrial Conf) to Trial, Pretrial Conf. as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby Daniel W. McElroy, USA, Aimee J. King McElroy. (Levenson, Paul) (Entered: 03/12/2007)
03/14/2007		Judge Richard G. Stearns : Electronic ORDER entered granting <u>77</u> Motion to Continue as to Daniel W. McElroy (1), Aimee J. King McElroy (2). Jury Selection set for 10/29/2007 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Jury Trial set for 10/29/2007 09:00 AM in Courtroom 21 before Judge Richard G. Stearns. Final Pretrial Conference set for 10/25/2007 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. All Trial Documents pursuant to previously-issued Trial Order shall be filed (electronically) by October 22, 2007. (Johnson, Mary) Modified on 3/15/2007 (Johnson, Mary). (Entered: 03/15/2007)
09/17/2007	<u>78</u>	Assented to MOTION to Continue <i>Trial Date</i> to January 22, 2008 to trial date as to Daniel W. McElroyby Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 09/17/2007)
09/17/2007		Judge Richard G. Stearns : Electronic ORDER entered granting <u>78</u> Motion to Continue as to Daniel W. McElroy (1) (Johnson, Mary) (Entered: 09/17/2007)
09/17/2007		Judge Richard G. Stearns : ElectronicORDER entered. ORDER ON EXCLUDABLE DELAY as to Daniel W. McElroy, Aimee J. King McElroy. Time excluded from 10/29/2007 until 1/22/2008. (Johnson, Mary) (Entered: 09/17/2007)
09/25/2007		ELECTRONIC NOTICE OF RESCHEDULING as to Daniel W. McElroy, Aimee J. King McElroy: "The Final Pre-Trial Conference, previously scheduled for September 26, 2007 and later moved to October 25, 2007, is hereby re-scheduled to Thursday, 1/17/2008 at 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. All Trial Documents pursuant to the previously-issued Trial Order shall be filed no later than January 11, 2008. Counsel shall file "courtesy copies" for the Court as well as on the electronic docket. When providing copies for the court, please label them "COURTESY COPY - DO NOT SCAN". R. G. Stearns, USDJ. (Johnson, Mary) Modified on 9/25/2007 (Johnson, Mary). Modified on 9/25/2007 (Johnson, Mary). (Entered: 09/25/2007)
09/27/2007	<u>79</u>	NOTICE OF ATTORNEY APPEARANCE Jonathan F. Mitchell appearing for USA. (Mitchell, Jonathan) (Entered: 09/27/2007)
09/27/2007	<u>80</u>	NOTICE OF ATTORNEY APPEARANCE Sarah E. Walters appearing for USA. (Walters, Sarah) (Entered: 09/27/2007)
10/03/2007	<u>81</u>	MOTION to Travel as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 10/03/2007)

10/05/2007		Judge Richard G. Stearns : Electronic ORDER entered granting 81 Motion to Travel as to Daniel W. McElroy (1), Aimee J. King McElroy (2). "The defendants shall coordinate the return of their passports with PreTrial Services, and shall then promptly surrender their passports to PreTrial Services upon completion of their trip. SO ORDERED. Richard G. Stearns, USDJ." (Johnson, Mary) Modified on 10/5/2007 (Johnson, Mary). (Entered: 10/05/2007)
01/11/2008	(82)	RESPONSE TO COURT ORDER by Daniel W. McElroy, Aimee J. King McElroy (Delinsky, Stephen) (Entered: 01/11/2008)
01/11/2008	(83)	MOTION in Limine <i>To Exclude Evidence of Improper Vouching</i> as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 01/11/2008)
01/11/2008	(84)	MOTION in Limine <i>to Exclude Evidence of Civil Complaint and Judgments</i> as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 01/11/2008)
01/11/2008	(85)	MOTION for Disclosure <i>of the Office of the United States Trustee's Criminal Referral to the United States Attorney's Office Concerning Xieu Van Son</i> as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 01/11/2008)
01/11/2008	(86)	Proposed Jury Questions by Daniel W. McElroy, Aimee J. King McElroy <i>Requested Questions for Voir Dire Examination</i> (Delinsky, Stephen) (Entered: 01/11/2008)
01/11/2008	(87)	TRIAL BRIEF by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Attachments: # 1 Exhibit Expert summary) (Mitchell, Jonathan) (Entered: 01/11/2008)
01/11/2008	(88)	Proposed Jury Questions by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Mitchell, Jonathan) (Entered: 01/11/2008)
01/11/2008	(89)	EXHIBIT/WITNESS LIST by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Mitchell, Jonathan) (Entered: 01/11/2008)
01/11/2008	(90)	EXHIBIT/WITNESS LIST by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Walters, Sarah) (Entered: 01/11/2008)
01/11/2008	(91)	STIPULATION re Exhibits by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Walters, Sarah) (Entered: 01/11/2008)
01/11/2008	(92)	RESPONSE TO COURT ORDER by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Walters, Sarah) (Entered: 01/11/2008)
01/11/2008	(93)	Proposed Jury Instructions by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Walters, Sarah) (Entered: 01/11/2008)
01/14/2008	(94)	MOTION to Continue <i>and Request for an Emergency Hearing</i> as to

		Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by Daniel W. McElroy, Aimee J. King McElroy. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Delinsky, Stephen) (Entered: 01/14/2008)
01/15/2008	<u>95</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>94</u> MOTION to Continue (Mitchell, Jonathan) (Entered: 01/15/2008)
01/15/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>94</u> Motion to Continue as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 01/15/2008)
01/16/2008	<u>96</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>83</u> MOTION in Limine <i>To Exclude Evidence of Improper Vouching</i> (Walters, Sarah) (Entered: 01/16/2008)
01/16/2008	<u>97</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>85</u> MOTION for Disclosure <i>of the Office of the United States Trustee's Criminal Referral to the United States Attorney's Office Concerning Xieu Van Son</i> (Walters, Sarah) (Entered: 01/16/2008)
01/16/2008	<u>98</u>	First MOTION to Quash <i>Subpoena Duces Tecum Issued to Xieu Van Son by Daniel W. McElroy</i> as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by Xieu Van Son. (Smith, Mark) (Entered: 01/16/2008)
01/16/2008	<u>99</u>	First MEMORANDUM in Support by Xieu Van Son as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>98</u> MOTION to Quash <i>Subpoena Duces Tecum Issued to Xieu Van Son by Daniel W. McElroy</i> (Attachments: # <u>1</u> Exhibit Exhibit A Copy of Subpoena Duces Tecum Issued to Xieu Van Son by Daniel W. McElroy)(Smith, Mark) (Entered: 01/16/2008)
01/16/2008	<u>100</u>	MOTION in Limine <i>to Limit Cross-Examination of Charles Wallace</i> as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by USA. (Walters, Sarah) (Entered: 01/16/2008)
01/17/2008	<u>101</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>84</u> MOTION in Limine <i>to Exclude Evidence of Civil Complaint and Judgments</i> (Attachments: # <u>1</u> Exhibit Aimee J. King McElroy Judgment)(Mitchell, Jonathan) (Entered: 01/17/2008)
01/17/2008	<u>102</u>	NOTICE of Withdrawal of Appearance by Government Attorney Jack W. Pirozzolo as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Pirozzolo, Jack) (Entered: 01/17/2008)
01/17/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>98</u> Motion to Quash as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 01/18/2008)
01/17/2008	<u>104</u>	Limited Appearance of Frank D. Camera on behalf of Margaret Mayer, filed. (Johnson, Mary) (Entered: 01/18/2008)

01/17/2008	<u>105</u>	MOTION to Quash as to Daniel W. McElroy, Aimee J. King McElroy filed by Frank D. Camera, Esq., on behalf of Margaret Mayer.. (Johnson, Mary) (Entered: 01/18/2008)
01/17/2008	<u>106</u>	Limited Appearance on behalf of Advanced Temporary Services, Inc. filed by Attorney Paul A. Bogosian. (Johnson, Mary) Modified on 1/18/2008 (Johnson, Mary). (Entered: 01/18/2008)
01/17/2008	<u>107</u>	MOTION to Quash as to Daniel W. McElroy, Aimee J. King McElroy filed by Atty. Bogosian on behalf of Advanced Temporary Services, Inc.. (Johnson, Mary) Modified on 1/18/2008 (Johnson, Mary). (Entered: 01/18/2008)
01/17/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>105</u> Motion to Quash as to Daniel W. McElroy (1), Aimee J. King McElroy (2); granting <u>107</u> Motion to Quash as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 01/18/2008)
01/17/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Hearing re motions to quash subpoenas as to Daniel W. McElroy, Aimee J. King McElroy held on 1/17/2008. After hearing, the motions to quash as to Margaret Mayer, Advanced Temporary Services, Inc. and Xieu Van Son are allowed. As to Charles Wallace and Dich Trieu, counsel for those parties will file their motions to quash on 1-18-08. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Smith, Camera, Bogosian, Palmer.) (Johnson, Mary) Modified on 1/18/2008 (Johnson, Mary). (Entered: 01/18/2008)
01/17/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Final Pretrial Conference as to Daniel W. McElroy, Aimee J. King McElroy held on 1/17/2008. Court will empanel the jury on January 22, 2008 but at the request of Atty. Zalkind, will not commence the evidence until Monday, January 28, 2008. Court will seat 15 jurors. Trial expected to last 8-10 days. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky and Zalkind.) (Johnson, Mary) . (Entered: 01/18/2008)
01/18/2008	<u>103</u>	EXHIBIT/WITNESS LIST by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Mitchell, Jonathan) (Entered: 01/18/2008)
01/18/2008	<u>108</u>	MOTION to Quash as to Daniel W. McElroy, Aimee J. King McElroy filed by Dich Trieu.. (Johnson, Mary) (Entered: 01/18/2008)
01/21/2008	<u>109</u>	MOTION in Limine as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by USA. (Mitchell, Jonathan) (Entered: 01/21/2008)
01/21/2008		Judge Judge Richard G. Stearns: ELECTRONIC ENDORSEMENT as to Daniel W. McElroy, Aimee J. King McElroy re <u>92</u> Response to Court Order filed by USA : "Allowed." (Johnson, Mary) (Entered: 02/01/2008)
01/22/2008		Electronic Clerk Notes for proceedings held before Judge Richard G.

		Stearns: Jury Selection as to Daniel W. McElroy, Aimee J. King McElroy held on 1/22/2008. Jury of 15 persons selected and sworn. Court gives preliminary instructions to the jury. Adjourn 1:30 P.M. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary). (Entered: 02/05/2008)
01/22/2008	<u>129</u>	MOTION to Quash issued to Fieldstone Capital Management filed as to Daniel W. McElroy, Aimee J. King McElroy.. (Johnson, Mary) (Entered: 03/03/2008)
01/22/2008	<u>130</u>	MOTION to Quash issued to Overlook Investment Group filed as to Daniel W. McElroy, Aimee J. King McElroy.. (Johnson, Mary) (Entered: 03/03/2008)
01/22/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>129</u> Motion to Quash as to Daniel W. McElroy (1), Aimee J. King McElroy (2); granting <u>130</u> Motion to Quash as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 03/03/2008)
01/23/2008	<u>(110)</u>	Judge Richard G. Stearns: ORDER on Motions in Limine, entered. as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Flaherty, Elaine) (Entered: 01/23/2008)
01/23/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>83</u> Motion in Limine as to Daniel W. McElroy (1), Aimee J. King McElroy (2) - Allowed to the extent that the Court will give an appropriate and contemporaneous limiting instruction; granting in part and denying in part <u>84</u> Motion in Limine as to Daniel W. McElroy (1), Aimee J. King McElroy (2); denying <u>85</u> Motion for Disclosure as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) Modified on 1/23/2008 (Johnson, Mary). (Entered: 01/23/2008)
01/23/2008		Motions terminated as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son: <u>109</u> MOTION in Limine filed by USA, <u>100</u> MOTION in Limine to Limit Cross-Examination of Charles Wallace filed by USA. See Order on Motions in Limine dated 1/23/08. (Flaherty, Elaine) (Entered: 01/23/2008)
01/24/2008		Reopen Document as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son <u>100</u> MOTION in Limine, <u>109</u> MOTION in Limine (Flaherty, Elaine) (Entered: 01/24/2008)
01/24/2008		Notice of correction to docket made by Court staff. Correction: motions 100 and 109 corrected because: terminated in error as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Flaherty, Elaine) (Entered: 01/24/2008)
01/24/2008	<u>(111)</u>	RESPONSE TO COURT ORDER by Daniel W. McElroy, Aimee J. King McElroy as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Delinsky, Stephen) (Entered: 01/24/2008)
01/24/2008	<u>(112)</u>	RESPONSE TO COURT ORDER by USA as to Daniel W. McElroy,

		Aimee J. King McElroy, Xieu Van Son (Mitchell, Jonathan) (Entered: 01/24/2008)
01/25/2008	<u>113</u>	MOTION in Limine <i>Regarding the Government's Opening Statement</i> as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 01/25/2008)
01/25/2008	<u>114</u>	MOTION to Suppress <i>Identification Evidence and Request for Hearing</i> as to Daniel W. McElroy, Aimee J. King McElroy. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Delinsky, Stephen) (Entered: 01/25/2008)
01/25/2008	<u>115</u>	MOTION to Exclude <i>Testimony of Joseph Dirico Based on The Government's Violation of Local Rule 117.1(A)(4)(b)</i> as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 01/25/2008)
01/27/2008	<u>116</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>113</u> MOTION in Limine (Walters, Sarah) (Entered: 01/27/2008)
01/27/2008	<u>117</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>114</u> MOTION to Suppress <i>Identification Evidence and Request for Hearing</i> (Walters, Sarah) (Entered: 01/27/2008)
01/27/2008	<u>118</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>115</u> MOTION to Exclude <i>Testimony of Joseph Dirico Based on The Government's Violation of Local Rule 117.1(A)(4)(b)</i> (Walters, Sarah) (Entered: 01/27/2008)
01/28/2008		Judge Richard G. Stearns: Electronic ORDER entered finding as moot <u>114</u> Motion to Suppress as to Daniel W. McElroy (1), Aimee J. King McElroy (2) (Flaherty, Elaine) (Entered: 01/28/2008)
01/28/2008		Judge Richard G. Stearns: Electronic ORDER entered granting in part and denying in part <u>109</u> Motion in Limine as to Daniel W. McElroy (1), Aimee J. King McElroy (2), Xieu Van Son (3)"Allowed as to the IRS witness. Denied as to the civilian witness without some showing as to why his/her attendance at trial is necessary given the mechanical nature of the proposed testimony." (Flaherty, Elaine) (Entered: 01/28/2008)
01/28/2008	<u>119</u>	MOTION Production of Witness and Exhibit Lists as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by USA. (Mitchell, Jonathan) (Entered: 01/28/2008)
01/28/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>100</u> Motion in Limine as to Daniel W. McElroy (1), Aimee J. King McElroy (2), Xieu Van Son (3) (Flaherty, Elaine) (Entered: 01/29/2008)
01/28/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>113</u> Motion in Limine as to Daniel W. McElroy (1), Aimee J. King McElroy (2) (Flaherty, Elaine) (Entered: 01/29/2008)
01/28/2008		Electronic Clerk Notes for proceedings held before Judge Richard G.

		Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 1/28/2008, Day 2. Government's opening. Defendants' openings. G-1 sworn. Direct. Cross. Re-direct. Excused. G-2 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-3 sworn. Direct. Cross. Re-direct. Excused. Adjourn 1:05 P.M. (Court Reporter James Gibbons.) (Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary) . (Entered: 02/05/2008)
01/29/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>115</u> Motion to Exclude as to Daniel W. McElroy (1), Aimee J. King McElroy (2). "Denied. The testimony as proffered by the Government goes to the issues of knowledge/notice and not prior bad acts". R. G. Stearns, USDJ. (Johnson, Mary) Modified on 1/30/2008 (Johnson, Mary). (Entered: 01/30/2008)
01/29/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 1/29/2008, Day 3. G-4 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-5 sworn. Direct. Cross. Re-direct. Excused. G-6 sworn. Direct. Cross. Excused. Adjourn 1:00 P.M. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary) Modified on 2/5/2008 (Johnson, Mary). (Entered: 02/05/2008)
01/30/2008	(120)	STIPULATION re Complaint by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Walters, Sarah) (Entered: 01/30/2008)
01/30/2008		Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 1/30/2008, Day 4. G-7 sworn. Direct. Cross. Re-direct. Excused. G-8 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-9 sworn. Direct. Cross. Re-direct. Excused. G-10 sworn. Direct. Cross. Re-direct. Re-cross. Excused. Adjourn 1:00 P.M. (Court Reporter James Gibbons.) (Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary) . (Entered: 02/05/2008)
01/31/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 1/31/2008, Day 5. G-11 sworn. Direct. Cross. Excused. G-12 sworn. Cambodian interpreter Sarun Tith sworn. Direct of G-12. Cross. Adjourn 1:00 P.M. (Court Reporter James Gibbons.)(Interpreter: Sarun Tith, Cambodian interpreter)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) .(Johnson, Mary) . (Entered: 02/05/2008)
02/01/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/1/2008, Day 6. Cross of G-12 continues (note: the interpreter did not appear on this date for this witness). Re-direct. Re-cross. Excused. G-13 sworn. Direct. Cross. Excused. G-14 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-15 sworn. Cambodian interpreter Bory Kem present and sworn. Direct of G-15. Adjourn 1:00 P.M. (Court

		Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary). (Entered: 02/05/2008)
02/04/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Hearing as to Daniel W. McElroy, Aimee J. King McElroy held on 2/4/2008. Case was to proceed with jury trial on this date, which would have been Day 7. Atty. Zalkind was not able to be present due to illness. All 15 jurors reported today but not brought to the courtroom. Court held a hearing out of presence of the jury with counsel in the courtroom. Court orders trial to resume on Wed., February 6, 2008 at 9:00 A.M. at which time Atty. Zalkind shall produce a doctor note for the Court. Adjourn 9:20 A.M. (Court Reporter James Gibbons.) (Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky and Knight) (Johnson, Mary) . (Entered: 02/05/2008)
02/06/2008	(121)	Proposed Jury Instructions by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Walters, Sarah) (Entered: 02/06/2008)
02/06/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/6/2008, Day 7. Cross of G-15. Re-direct. Re-cross. Excused. G-16 sworn. Direct. Adjourn 1:00 P.M. (Court Reporter James Gibbons.) (Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary) Modified on 2/14/2008 (Johnson, Mary). (Entered: 02/14/2008)
02/07/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/7/2008, Day 8. Direct of G-16 continues. Cross. Adjourn 1:00 P.M. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight.) (Johnson, Mary) . (Entered: 02/14/2008)
02/08/2008	(122)	MOTION in Limine to <i>Exclude Testimony of Case Agents in Defendants' Case in Chief</i> as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son by USA. (Walters, Sarah) (Entered: 02/08/2008)
02/08/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/8/2008, Day 9. Cross of G-16 continues. Re-direct. Excused. G-17 sworn. Direct. Adjourn 1:10 P.M. (Court Reporter James Gibbons.) (Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary). (Entered: 02/14/2008)
02/11/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/11/2008, Day 10. Cross of G-17. Excused. G-18 sworn. Direct. Cross. Re-direct. Re-cross. Excused. G-19 sworn. Direct. Cross. Excused. Government rests. Defendants file Motion for Judgment of Acquittal, which is denied without prejudice to the right to renew said motion after the jury's verdict. Defendants rest. Jury excused. Court

		holds charge conference with counsel. Adjourn 1:30 P.M. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary) Modified on 2/14/2008 (Johnson, Mary). (Entered: 02/14/2008)
02/11/2008	<u>123</u>	MOTION for Judgment of Acquittal filed as to Daniel W. McElroy, Aimee J. King McElroy.. (Johnson, Mary) (Entered: 02/14/2008)
02/11/2008		Judge Richard G. Stearns: Electronic ORDER entered denying <u>123</u> Motion for Acquittal as to Daniel W. McElroy (1), Aimee J. King McElroy (2). "denied without prejudice with the right to renew motion after jury verdict". R. G. Stearns, USDJ. (Johnson, Mary) Modified on 2/14/2008 (Johnson, Mary). (Entered: 02/14/2008)
02/12/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/12/2008, Day 11. Govt's closing 9:10 A.M. to 9:50 A.M. Both defendants' closings (with a recess in between) 9:50 A.M. to 11:40 A.M. Govt's rebuttal 11:40 A.M. to 12:00 Noon. Court takes another recess. Court's charge to jury 12:15 P.M. to 1:05 P.M. Court selects S. Whelton as foreperson of the jury. Deliberations begin at 1:05 P.M. Jury has lunch delivered to jury room. Jury allowed to go home at 4:00 P.M. Adjourn 4:00 P.M. (Court Reporter James gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight.) (Johnson, Mary) . (Entered: 02/14/2008)
02/13/2008		Judge Richard G. Stearns: Electronic ORDER entered finding as moot <u>108</u> Motion to Quash as to Daniel W. McElroy (1), Aimee J. King McElroy (2); finding as moot <u>119</u> Motion as to Daniel W. McElroy (1), Aimee J. King McElroy (2); finding as moot <u>122</u> Motion in Limine as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 02/14/2008)
02/13/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Jury Trial as to Daniel W. McElroy, Aimee J. King McElroy held on 2/13/2008, Day 12. Deliberations resume at 10:10 A.M. Jury has lunch delivered at 12:30 P.M. Jury returns with verdicts at 1:50 P.M., as follows: DANIEL MC ELROY: Guilty on Counts 1 through 18; AIMEE KING MC ELROY: Guilty on Counts 1 through 18. Jury discharged by the Court. Sentencing for both defendants is scheduled for May 21, 2008 at 2:30 P.M. Defendants remain on same bail as set by the Magistrate Judge. Defendants will renew their Motion for Judgment of Acquittal in next 7 days, and Court will allow them 21 days to file a brief in support of said motion. Government will then respond. Adjourn 2:10 P.M. (Court Reporter Marie Cloonan.)(Attorneys present: AUSA Mitchell; AUSA Walters; Attys. Delinsky, Zalkind, Knight) (Johnson, Mary) . Modified on 2/14/2008 (Johnson, Mary). (Entered: 02/14/2008)
02/13/2008	<u>124</u>	JURY VERDICT as to Daniel W. McElroy (1) returned in openCourt at 1:50 P.M. Guilty on Count 1,2-4,5-12,13-18. (Johnson, Mary) (Entered: 02/14/2008)

02/13/2008	<u>125</u>	JURY VERDICT as to Aimee J. King McElroy (2) returned in open Court at 1:50 P.M. Guilty on Count 1,2-4,5-12,13-18. (Johnson, Mary) Modified on 2/14/2008 (Johnson, Mary). (Entered: 02/14/2008)
02/14/2008	<u>126</u>	Judge Richard G. Stearns: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Daniel W. McElroy, Aimee J. King McElroy : Sentencings set for 5/21/2008 at 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 02/14/2008)
02/20/2008	<u>127</u>	MOTION [RENEWED] MOTION FOR JUDGMENT OF ACQUITTAL AND REQUEST FOR ORAL ARGUMENT as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 02/20/2008)
02/20/2008	<u>128</u>	MOTION for New Trial and Request for Oral Argument as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 02/20/2008)
03/05/2008		Judge Richard G. Stearns: Electronic ORDER entered finding as moot <u>94</u> Motion to Continue as to Xieu Van Son (3); finding as moot <u>98</u> Motion to Quash as to Xieu Van Son (3); finding as moot <u>119</u> Motion as to Xieu Van Son (3); finding as moot <u>122</u> Motion in Limine as to Xieu Van Son (3) (Johnson, Mary) (Entered: 03/05/2008)
03/06/2008	<u>131</u>	MEMORANDUM in Support by Daniel W. McElroy, Aimee J. King McElroy re <u>127</u> MOTION [RENEWED] FOR JUDGMENT OF ACQUITTAL (Attachments: # <u>1</u> Exhibit ONE, # <u>2</u> Exhibit TWO, # <u>3</u> Exhibit THREE, # <u>4</u> Exhibit FOUR)(Delinsky, Stephen) (Entered: 03/06/2008)
03/06/2008	<u>132</u>	MEMORANDUM in Support by Daniel W. McElroy, Aimee J. King McElroy re <u>128</u> MOTION for New Trial (Delinsky, Stephen) (Entered: 03/06/2008)
03/18/2008	<u>133</u>	MOTION for Extension of Time to March 31, 2008 to File Response/Reply to Motion for New Trial as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby USA. (Walters, Sarah) (Entered: 03/18/2008)
03/18/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>133</u> Motion for Extension of Time to File Response/Reply as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 03/18/2008)
03/19/2008	<u>134</u>	Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>127</u> MOTION for Judgment of Acquittal (Walters, Sarah) (Entered: 03/19/2008)
03/31/2008	<u>135</u>	MEMORANDUM in Opposition by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>128</u> MOTION for New Trial and Request for Oral Argument (Walters, Sarah) (Entered: 03/31/2008)
04/14/2008	<u>136</u>	Judge Richard G. Stearns: ORDER entered denying <u>127</u> Motion new trial, judgment acquittal as to Daniel W. McElroy (1), Aimee J. King McElroy (2); denying <u>128</u> Motion for New Trial as to Daniel W.

		McElroy (1), Aimee J. King McElroy (2) (Flaherty, Elaine) (Entered: 04/15/2008)
04/16/2008	<u>137</u>	Joint MOTION to Continue <i>Sentencing</i> to the week of September 22, 2008 as to Daniel W. McElroy, Aimee J. King McElroy. (Delinsky, Stephen) (Entered: 04/16/2008)
04/16/2008	<u>139</u>	Ex Parte MOTION for Protective Order filed by USA under seal as to Daniel W. McElroy, Aimee J. King McElroy.(Johnson, Mary) (Entered: 04/24/2008)
04/17/2008	<u>138</u>	RESPONSE to Motion by USA as to Daniel W. McElroy, Aimee J. King McElroy re <u>137</u> MOTION to Continue to the week of September 22, 2008 (Walters, Sarah) (Entered: 04/17/2008)
04/17/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>139</u> Motion as to Daniel W. McElroy (1), Aimee J. King McElroy (2). (Johnson, Mary) (Entered: 04/24/2008)
04/23/2008		Judge Richard G. Stearns: Electronic ORDER entered granting in part and denying in part <u>137</u> Motion to Continue as to Daniel W. McElroy (1), Aimee J. King McElroy (2): "After consideration, the Court rules as follows: 'Sentencing for Daniel McElroy is re-scheduled to Friday, June 20, 2008 at 2:30 P.M.; Sentencing for Aimee King McElroy is re-scheduled to Tuesday, September 23, 2008 at 2:30 P.M. providing Atty. Zalkind can provide to the Court a note from his treating physician that he will be available on that date without any further requests for a continuance. SO ORDERED.' R. G. Stearns, USDJ. (Johnson, Mary) Modified on 4/23/2008 (Johnson, Mary). (Entered: 04/23/2008)
05/15/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>133</u> Motion for Extension of Time to File Response/Reply as to Xieu Van Son (3). (Johnson, Mary) (Entered: 05/15/2008)
05/29/2008	<u>140</u>	NOTICE of a Need for an Evidentiary Hearing by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son (Mitchell, Jonathan) (Entered: 05/29/2008)
06/09/2008	<u>141</u>	Transcript of Hearing on Motions as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son held on October 17, 2005, before Judge Stearns. Court Reporter Cheryl Dahlstrom at 617/951-4555. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 6/27/2008. Redacted Transcript Deadline set for 7/7/2008. Release of Transcript Restriction set for 9/4/2008. (Scalfani, Deborah) (Entered: 06/09/2008)
06/09/2008	<u>142</u>	NOTICE is hereby given that an official transcript of a proceeding as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry. (Scalfani, Deborah) (Entered: 06/09/2008)

06/16/2008	<u>143</u>	SENTENCING MEMORANDUM by USA as to Daniel W. McElroy (Walters, Sarah) (Entered: 06/16/2008)
06/16/2008	<u>144</u>	MOTION to Seal Document (Appendix to Sentencing Memo) as to Daniel W. McElroy filed by USA. (Johnson, Mary) (Entered: 06/16/2008)
06/16/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>144</u> Motion to Seal as to Daniel W. McElroy (1); granting <u>144</u> Motion to Seal Document as to Daniel W. McElroy (1). (Johnson, Mary) (Entered: 06/16/2008)
06/16/2008	<u>145</u>	APPENDIX/EXHIBIT filed UNDER SEAL by USA as to Daniel W. McElroy. (Johnson, Mary) (Entered: 06/16/2008)
06/18/2008		ELECTRONIC NOTICE OF RESCHEDULING as to Daniel W. McElroy: Sentencing re-scheduled to Friday, 7/18/2008 at 02:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 06/18/2008)
07/01/2008	-1 <u>146</u>	MOTION Evidentiary Hearing at Sentencing as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby USA. (Mitchell, Jonathan) Modified on 7/10/2008 (Flaherty, Elaine). (Entered: 07/01/2008)
07/01/2008	<u>147</u>	RESPONSE to Motion by Daniel W. McElroy re <u>146</u> MOTION Evidentiary Hearing at Sentencing (Delinsky, Stephen) (Entered: 07/01/2008)
07/14/2008	-1 <u>148</u>	MOTION FOR A DOWNWARD departure as to Daniel W. McElroy, Aimee J. King McElroyby Daniel W. McElroy. (Delinsky, Stephen) Modified on 7/16/2008 (Flaherty, Elaine). (Entered: 07/14/2008)
07/14/2008	<u>149</u>	MOTION FOR A DOWNWARD DEPARTURE as to Daniel W. McElroy. (Delinsky, Stephen) (Entered: 07/14/2008)
07/14/2008	<u>150</u>	SENTENCING MEMORANDUM by Daniel W. McElroy (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3A, # <u>4</u> Exhibit 3B, # <u>5</u> Exhibit 4A, # <u>6</u> Exhibit 4B)(Delinsky, Stephen) (Entered: 07/14/2008)
07/15/2008		Judge Richard G. Stearns: Electronic ORDER entered finding as moot <u>146</u> Motion for Hearing as to Xieu Van Son (3). "moot.this motion does not pertain to this defendant." (Johnson, Mary) (Entered: 07/15/2008)
07/15/2008	<u>151</u>	MOTION for Leave to File <i>Reply to Defendant's Sentencing Memorandum</i> as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Sonby USA. (Attachments: # <u>1</u> Exhibit Reply to Defendant's Sentencing Memo, # <u>2</u> Exhibit Attachment to Reply to Sentencing Memorandum)(Walters, Sarah) (Entered: 07/15/2008)
07/15/2008		Judge Richard G. Stearns: Electronic ORDER entered granting <u>151</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures.

		Counsel must include - Leave to file granted on (date of order)- in the caption of the document as to Daniel W. McElroy (1), Aimee J. King McElroy (2), Xieu Van Son (3) (Johnson, Mary) (Entered: 07/15/2008)
07/15/2008	<u>152</u>	RESPONSE to Motion by USA as to Daniel W. McElroy, Aimee J. King McElroy, Xieu Van Son re <u>148</u> MOTION FOR A DOWNWARD departure Reply to Defendant's Sentencing Memorandum (Attachments: # <u>1</u> Exhibit Discovery Letter)(Walters, Sarah) Modified on 7/18/2008 (Flaherty, Elaine). (Entered: 07/15/2008)
07/18/2008	<u>153</u>	NOTICE OF ATTORNEY APPEARANCE: James L. Sultan appearing for Daniel W. McElroy (Sultan, James) (Entered: 07/18/2008)
07/18/2008	<u>154</u>	MOTION To Self-Report to Bureau of Prisons as to Daniel W. McElroy. (Attachments: # <u>1</u> Exhibit A - Transcript Order, # <u>2</u> Exhibit B - Status of Transcript Order)(Sultan, James) (Entered: 07/18/2008)
07/18/2008		Electronic Clerk Notes for proceedings held before Judge Richard G. Stearns: Sentencing held on 7/18/2008 for Daniel W. McElroy (1). Court hears from counsel and from victims. After lengthy hearing, the defendant is sentenced as follows: Count(s) 1-4: 60 months to be served on each count, concurrent with each other. Supervised Release for 3 years. Restitution in the amount of \$12,114,467.00 subject to modification when final numbers are submitted to the Court. TOTAL Special Assessment in the amount of \$1800; Counts 5-11: 30 months to be served on each count, concurrent with each other, but to be served ON AND AFTER the sentence imposed on Counts 1-4; Supervised Release for 3 years on each count, concurrent with each other and concurrent with Counts 1-4 ; Count(s) 12-18: 18 months to be served on each count, concurrent with each other but to be served ON AND AFTER sentence imposed on Counts 5-11, for a TOTAL SENTENCE OF 9 YEARS TO BE SERVED. Supervised Release for 3 years on each count, concurrent with each other and concurrent with Counts 1-4; 5-11. Defendant is allowed to self-surrender to the designated institution at which his sentence will be served on SEPTEMBER 26, 2008 by 12:00 Noon. Adjourn 5:45 P.M. (Court Reporter James Gibbons.)(Attorneys present: AUSA Mitchell; AUSA Walters; Atty. Delinsky) (Johnson, Mary) Modified on 7/22/2008 (Johnson, Mary). Modified on 7/22/2008 (Johnson, Mary). (Entered: 07/22/2008)
07/18/2008		Judge Richard G. Stearns: Electronic ORDER entered finding as moot <u>146</u> Motion for Hearing as to Daniel W. McElroy (1); denying <u>148</u> Motion for Departure as to Daniel W. McElroy (1); denying <u>149</u> Motion as to Daniel W. McElroy (1); granting <u>154</u> Motion as to Daniel W. McElroy (1). "Defendant shall self-surrender on 9-26-08 by 12:00 Noon at designated facility". (Johnson, Mary) (Entered: 07/22/2008)
07/21/2008	<u>155</u>	NOTICE OF APPEAL by Daniel W. McElroy Filing fee \$ 455, <u>156</u> final judgment receipt number 0101000000002044894. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed

		and submitted to the Court of Appeals. Appeal Record due by 8/11/2008. (Sultan, James) Modified on 8/14/2008 (Flaherty, Elaine). (Entered: 07/21/2008)
07/24/2008	<u>156</u>	Judge Richard G. Stearns: ORDER entered. JUDGMENT as to Daniel W. McElroy (1), Count(s) 1-4: 60 months to be served. Supervised Release for 3 years. Restitution in the amount of \$12,114,467, subject to modification when final numbers are submitted to the Court. TOTAL Special Assessment in the amount of \$1800; Count(s) 5-11: 30 months to be served on each count, concurrent with each other, but to be served ON AND AFTER the sentence imposed on Counts 1-4. Supervised Release for 3 years on each count, concurrent with each other and concurrent with Counts 1-4. Count(s) 12-18: 18 months to be served on each count, concurrent with each other but to be served ON AND AFTER sentence imposed on Counts 5-11. Supervised Release for 3 years on each count, concurrent with each other and concurrent with Count Count(s) 5-11. Total Sentence imposed by the Court is 108 months to be served. (Johnson, Mary) Modified on 7/25/2008 (Johnson, Mary). (Entered: 07/25/2008)
08/11/2008	<u>157</u>	Transcript of Status Conference as to Daniel W. McElroy held on January 24, 2007, before Judge Stearns. Court Reporter Carol Lynn Scott at 617/330-1377. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 8/29/2008. Redacted Transcript Deadline set for 9/8/2008. Release of Transcript Restriction set for 11/6/2008. (Scalfani, Deborah) (Entered: 08/11/2008)
08/11/2008	<u>158</u>	NOTICE is hereby given that an official transcript of a proceeding as to Daniel W. McElroy has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry. (Scalfani, Deborah) (Entered: 08/11/2008)